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**IN THE COURT OF COMMON PLEAS
CUYAHOGA COUNTY, OHIO**

THE STATE OF OHIO
Plaintiff

ARIEL CASTRO
Defendant

Case No: CR-13-575419-A


Judge: MICHAEL J RUSSO

INDICT: 2903.01 AGGRAVATED MURDER /SMS /SVPS
2903.01 AGGRAVATED MURDER /SMS /SVPS
2907.02 RAPE /SVPS
ADDITIONAL COUNTS..

JOURNAL ENTRY

ORDER SEE JOURNAL.

07/30/2013
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 7-30-13
Judge Signature Date

HEAR
07/30/2013



IN THE COURT OF COMMON PLEAS
CUYAHOGA COUNTY, OHIO
CRIMINAL DIVISION

STATE OF OHIO,)	
)	
Plaintiff)	CASE NO. CR 575419
)	
-v-)	JUDGE MICHAEL J. RUSSO
)	
ARIEL CASTRO,)	<u>WRITTEN PLEA AGREEMENT</u>
)	<u>AND RECOMMENDED</u>
)	<u>SENTENCE</u>
Defendant)	

Pursuant to the contractual agreement of the parties, hereinafter "the plea agreement," Defendant ARIEL CASTRO, hereinafter "Defendant", and the State of Ohio, the parties stipulate to the following:

THE PARTIES, INDICTMENT, AND EXHIBITS

1. Defendant stipulates that his true name is Ariel Castro and stipulates that he was born on July 10, 1960 and that his Social Security number is [REDACTED]
2. Defendant stipulates that he is aware and understands that in State v. Ariel Castro, Cuyahoga County Court of Common Pleas Case No. 575419, the indictment charges him with two counts of Aggravated Murder in violation of R.C. 2903.01(A) with Sexual Motivation Specification pursuant to R.C. 2941.147(A) and with Sexually violent Predator Specification pursuant to R.C. 2941.148(A) and that the indictment contains 975 additional counts, numbered 3 through 977, and that those counts are comprised of the following:
 - a) 1 Count of Kidnapping in violation of R.C. 2905.01(B)(2);
 - b) 29 Counts of Kidnapping in violation of R.C. 2905.01(A)(3) with Sexual Motivation Specifications pursuant to R.C. 2941.147(A);
 - c) 12 Counts of Kidnapping in violation of R.C. 2905.01(A)(3) with Sexual Motivation Specifications pursuant to 2941.147(A) and with Sexually Violent Predator Specifications pursuant to R.C. 2941.148(A);

- d) 148 Counts of Kidnapping in violation of R.C. 2905.01(A)(4) with Sexual Motivation Specifications pursuant to R.C. 2941.147(A);
- e) 322 Counts of Kidnapping in violation of §2905.01(A)(4) with Sexual Motivation Specifications pursuant to R.C. 2941.147(A) and with Sexually Violent Predator Specifications pursuant to R.C. 2941.148(A);
- f) 147 Counts of Rape in violation of R.C. 2907.02(A)(2);
- g) 299 Counts of Rape in violation of R.C. 2907(A)(2) with Sexually Violent Predator Specifications pursuant to R.C. 2941.148(A);
- h) 3 Counts of Felonious Assault in violation of R.C. 2903.11(A)(1);
- i) 1 Count of Felonious Assault in violation of R.C. 2903.11(A)(1) with a Pregnant Victim Specification pursuant to R.C. 2941.1423 and with a Sexually Violent Predator Specification pursuant to R.C. 2941.148(A);
- j) 2 Counts of Felonious Assault in violation of R.C. 2903.11(A)(2);
- k) 7 Counts of Gross Sexual Imposition in violation of R.C. 2907.05(A)(1);
- l) 3 Counts of Endangering Children in violation of R.C. 2919.22(A); and
- m) 1 Count of Possessing Criminal Tools in violation of R.C. 2923.24(A) with Forfeiture of Property specification pursuant to R.C. 2941.1417(A) listing the following property:

- Real estate located at 2207 Seymour Ave., Cleveland, Ohio (PPN 008-05-052);
- \$22,268.83 in US Currency;
- Ruger handgun # 152-95598.

- 3. A true and accurate copy of the 977 count indictment incorporated herein and attached hereto and made a part hereof as Exhibit A consisting of 576 pages and is hereinafter referred to as the "Indictment."
- 4. The parties agree and stipulate that they have entered into a Proffer Agreement incorporated herein and attached hereto and made a part hereof as Exhibit B consisting of 3 pages.
- 5. The parties agree and stipulate that they have agreed to transfer the real property located at 2207 Seymour Avenue, Cleveland, Ohio to the Cuyahoga

County Land Reutilization Corporation pursuant to the Conveyance in Lieu of Foreclosure package attached hereto and incorporated herein as Exhibit C which consists of 5 pages.

6. The parties agree and stipulate that they will be bound now and forever by the Stipulated Protective Order entered into by the parties, a true and accurate copy is attached hereto and incorporated herein as Exhibit D.
7. The parties agree and stipulate that Defendant is aware that R.C. 2969.02 prohibits the receipt of profits by an offender and he agrees that he will not seek to profit from the commission of any offenses in the Indictment or otherwise disclosed under the Proffer Agreement. A copy of R.C. 2969.02 is attached hereto as Exhibit E.
8. The parties agree and stipulate that the State, pursuant to R.C. 3309.67 and 2907.15, had cause to send its Notice and Request to Freeze Account of SERS Member: Ariel Castro to the State Employee Retirement System. A copy of the Notice is attached hereto as Exhibit F.

POTENTIAL PENALTIES IF FOUND GUILTY AT TRIAL

9. Defendant stipulates that he is aware that the following penalties may be imposed upon each of the counts of the Indictment as follows:
 - a) On the counts of Aggravated Murder in violation of R.C. 2903.01(A) with Sexual Motivation Specification pursuant to R.C. 2941.147(A) and with Sexually violent Predator Specification pursuant to R.C. 2941.148(A), unclassified felonies:
 - i) Life Incarceration Without the Possibility of Parole ("LWOP")
 - ii) A fine up to \$25,000;
 - iii) An order to pay Court Costs;
 - iv) Classification as an offender under Megan's Law.
 - b) On the counts of Rape in violation of R.C. 2907.02(A)(2) with Sexually Violent Predator Specification pursuant to R.C. 2941.148(A), felonies of the 1st Degree committed prior to September 30, 2011:
 - i) A minimum term of incarceration not less than 10 years with a maximum sentence of life;
 - ii) A fine up to \$20,000;
 - iii) An order to pay Court Costs;

- iv) Restitution;
 - v) A mandatory order of Postrelease Control for a period of Five Years;
 - vi) Classification as an offender under Megan's Law or as a Tier III Sex Offender.
- c) On the counts of Rape in violation of R.C. 2907.02(A)(2) with Sexually Violent Predator Specification pursuant to R.C. 2941.148(A), felonies of the 1st Degree committed after September 30, 2011:
- i) A minimum term of incarceration not less than 10 years with a maximum sentence of life
 - ii) A fine up to \$20,000;
 - iii) An order to pay Court Costs;
 - iv) Restitution;
 - v) A mandatory order of Postrelease Control for a period of Five Years;
 - vi) Classification as Tier III Sex Offender.
- d) On the counts of Rape in violation of R.C. 2907.02(A)(2), felonies of the 1st Degree committed prior to September 30, 2011:
- i) 3, 4, 5, 6, 7, 8, 9, or 10 years incarceration;
 - ii) A fine up to \$20,000;
 - iii) An order to pay Court Costs;
 - iv) Restitution;
 - v) A mandatory order of Postrelease Control for a period of Five Years;
 - vi) Classification as an offender under Megan's Law or as a Tier III Sex Offender.
- e) On the count of Kidnapping in violation of R.C. 2905.01(B)(2), a felony of the 1st Degree committed from Dec. 25, 2006 through May 6, 2013:
- i) 3, 4, 5, 6, 7, 8, 9, or 10 years incarceration;
 - ii) A fine up to \$20,000;
 - iii) An order to pay Court Costs;
 - iv) Restitution;
 - v) A mandatory order of Postrelease Control for a period of Five Years;
- f) On the counts of Kidnapping in violation of R.C. 2905.01(A)(3) with Sexual Motivation Specifications pursuant to R.C. 2941.147(A), felonies of the 1st Degree committed prior to September 30, 2011:

- i) 3, 4, 5, 6, 7, 8, 9, or 10 years incarceration;
 - ii) A fine up to \$20,000;
 - iii) An order to pay Court Costs;
 - iv) Restitution;
 - v) A mandatory order of Postrelease Control for a period of Five Years;
 - vi) Classification as an offender under Megan's Law or as a Tier II Sex Offender.

- g) On the counts of Kidnapping in violation of R.C. 2905.01(A)(3) with Sexual Motivation Specifications pursuant to R.C. 2941.147(A) and Sexually Violent Predator Specifications pursuant to R.C. 2941.148(A), felonies of the 1st Degree committed prior to September 30, 2011:
 - i) A minimum term of incarceration not less than 10 years with a maximum sentence of life;
 - ii) A fine up to \$20,000;
 - iii) An order to pay Court Costs;
 - iv) Restitution;
 - v) A mandatory order of Postrelease Control for a period of Five Years;
 - vi) Classification as an offender under Megan's Law or as a Tier III Sex Offender.

- h) On the counts of Kidnapping in violation of R.C. 2905.01(A)(4) with Sexual Motivation Specifications pursuant to R.C. 2941.147(A), felonies of the 1st Degree committed prior to September 30, 2011:
 - i) 3, 4, 5, 6, 7, 8, 9, or 10 years incarceration;
 - ii) A fine up to \$20,000;
 - iii) An order to pay Court Costs;
 - iv) Restitution;
 - v) A mandatory order of Postrelease Control for a period of Five Years;
 - vi) Classification as an offender under Megan's Law or as a Tier III Sex Offender, if victim is over 18 years of age, Tier II.

- i) On the counts of Kidnapping in violation of R.C. 2905.01(A)(4) with Sexual Motivation Specifications pursuant to R.C. 2941.147(A) and Sexually Violent Predator Specifications pursuant to R.C. 2941.148(A), felonies of the 1st Degree committed prior to September 30, 2011:

- i) A minimum term of incarceration not less than 10 years with a maximum sentence of life;
 - ii) A fine up to \$20,000;
 - iii) An order to pay Court Costs;
 - iv) Restitution;
 - v) A mandatory order of Postrelease Control for a period of Five Years;
 - vi) Classification as an offender under or as a Tier III Sex Offender.
- j) On the counts of Kidnapping in violation of R.C. 2905.01(A)(4) with Sexual Motivation Specifications pursuant to R.C. 2941.147(A), and Sexually Violent Predator Specifications pursuant to R.C. 2941.148(A), felonies of the 1st Degree committed after September 30, 2011:
 - i) A minimum term of incarceration not less than 10 years with a maximum sentence of life;
 - ii) A fine up to \$20,000;
 - iii) An order to pay Court Costs;
 - iv) Restitution;
 - v) A mandatory order of Postrelease Control for a period of Five Years;
 - vi) Classification as an offender under or as a Tier III Sex Offender.
- k) On the counts of Felonious Assault in violation of R.C. 2903.11(A)(1), felonies of the 2nd Degree:
 - i) 2, 3, 4, 5, 6, 7, or 8 years incarceration;
 - ii) A fine up to \$15,000;
 - iii) An order to pay Court Costs;
 - iv) Restitution;
 - v) A mandatory order of Postrelease Control for a period of Three Years.
- l) On the count of Felonious Assault in violation of R.C. 2903.11(A)(1) with a Pregnant Victim Specification pursuant to R.C. 2941.1423 and a Sexually Violent Predator Specification pursuant to R.C. 2941.148(A), a felony of the 2nd Degree:
 - i) Mandatory minimum prison term of 2, 3, 4, 5, 6, 7, or 8 with a maximum of life incarceration;
 - ii) A fine up to \$15,000;
 - iii) An order to pay Court Costs;
 - iv) Restitution;

- v) A mandatory order of Postrelease Control for a period of Three Years;
 - vi) Classification as an offender under Megan's Law.
- m) On the counts of Felonious Assault in violation of R.C. 2903.11(A)(2), felonies of the 2nd Degree:
 - i) 2, 3, 4, 5, 6, 7, or 8 years incarceration;
 - ii) A fine up to \$15,000;
 - iii) An order to pay Court Costs;
 - iv) Restitution;
 - v) A mandatory order of Postrelease Control for a period of Three Years.
- n) On the counts of Gross Sexual Imposition in violation of R.C. 2907.05(A)(1); felonies of the 4th Degree:
 - i) 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, or 18 months incarceration;
 - ii) A fine up to \$5,000;
 - iii) An order to pay Court Costs;
 - iv) Restitution;
 - v) A discretionary order of Postrelease Control for a period of Five Years;
 - vi) Classification as an offender under Megan's Law.
- o) On the count of Endangering Children in violation of R.C. 2919.22(A), a misdemeanor of the 1st Degree:
 - i) Up to one year in jail;
 - ii) A fine up to \$1000;
 - iii) An order to pay Court Costs;
 - iv) Restitution.
- p) On the count of Endangering Children in violation of R.C. 2919.22(A), felony of the 3rd Degree:
 - i) 9, 12, 18, 24, 30, or 36 months incarceration;
 - ii) A fine up to \$10,000;
 - iii) An order to pay Court Costs;
 - iv) Restitution;
 - v) A discretionary order of Postrelease Control for a period of Three Years.

q) On the count of Possessing Criminal Tools in violation of R.C. 2923.24(A), a felony of the 5th Degree:

- i) 6, 7, 8, 9, 10, 11, or 12 months incarceration;
- ii) A fine up to \$2,500;
- iii) An order to pay Court Costs;
- iv) Restitution;
- v) A discretionary order of Postrelease Control for a period of Three Years.

10. Defendant stipulates that he is aware that the State of Ohio has reserved the right within the Indictment to seek a superseding indictment containing appropriate R.C. 2929.04 Aggravating Circumstances on the charges of Aggravated Murder which would carry the potential of the death penalty.

DEFENDANT'S STATEMENT OF UNDERSTANDING OF RIGHTS

11. With the advice of counsel, Defendant agrees that he has been fully advised of his constitutional rights, and that he enters this plea knowingly, intelligently, and voluntarily. Specifically, Defendant agrees that he has been fully advised of and fully comprehends the following:

(1) Where in a felony case the defendant is unrepresented by counsel the court shall not accept a plea of guilty or no contest unless the defendant, after being re-advised that he or she has the right to be represented by retained counsel, or pursuant to Crim. R. 44 by appointed counsel, waives this right.

(2) In felony cases the court may refuse to accept a plea of guilty or a plea of no contest, and shall not accept a plea of guilty or no contest without first addressing the defendant personally and doing all of the following:

(a) Determining that the defendant is making the plea voluntarily, with understanding of the nature of the charges and of the maximum penalty involved, and, if applicable, that the defendant is not eligible for probation or for the imposition of community control sanctions at the sentencing hearing.

(b) Informing the defendant of and determining that the defendant understands the effect of the plea of guilty or no contest, and that the court, upon acceptance of the plea, may proceed with judgment and sentence.

(c) Informing the defendant and determining that the defendant understands that by the plea the defendant is waiving the rights to jury trial, to confront witnesses against him or her, to have compulsory process for obtaining witnesses in the defendant's favor, and to require the state to prove the

defendant's guilt beyond a reasonable doubt at a trial at which the defendant cannot be compelled to testify against himself or herself.

(3) With respect to aggravated murder committed on and after January 1, 1974, the defendant shall plead separately to the charge and to each specification, if any. A plea of guilty or no contest to the charge waives the defendant's right to a jury trial, and before accepting a plea of guilty or no contest the court shall so advise the defendant and determine that the defendant understands the consequences of the plea.

If the indictment contains no specification, and a plea of guilty or no contest to the charge is accepted, the court shall impose the sentence provided by law.

If the indictment contains one or more specifications, and a plea of guilty or no contest to the charge is accepted, the court may dismiss the specifications and impose sentence accordingly, in the interests of justice.

If the indictment contains one or more specifications that are not dismissed upon acceptance of a plea of guilty or no contest to the charge, or if pleas of guilty or no contest to both the charge and one or more specifications are accepted, a court composed of three judges shall: (a) determine whether the offense was aggravated murder or a lesser offense; and (b) if the offense is determined to have been a lesser offense, impose sentence accordingly; or (c) if the offense is determined to have been aggravated murder, proceed as provided by law to determine the presence or absence of the specified aggravating circumstances and of mitigating circumstances, and impose sentence accordingly.

(4) With respect to all other cases the court need not take testimony upon a plea of guilty or no contest.

12. The parties stipulate and agree that Defendant suffered no due process violations in the discovery of material evidence, and that all material discovery has been obtained by Defendant and Counsel for the defense.

STATEMENT OF PLEA AGREEMENT

13. Defendant agrees to enter a plea of guilty to the Indictment as amended, attached hereto as Exhibit A. The Indictment has been amended by deletion of language from count 977. The Indictment has been amended so that the following counts are nolle: 5, 6, 12, 13, 15, 16, 21, 22, 26, 27, 102, 103, 106, 233, 266, 267, 269, 270, 272, 273, 275, 276, 278, 279, 281, 282, 284, 285, 289, 290, 294, 295, 299, 301, 307, 313, 315, 316, 318, and 319. These counts represent allied offenses of other counts of this Indictment which would be subject to merger at sentencing.

14. Defendant and the State agree to be bound by the terms of the Proffer Agreement attached hereto as Exhibit B.
15. Defendant agrees to execute all necessary documents and perform all acts necessary to transfer his right, title, and interest in the real property at 2207 Seymour Avenue, Cleveland, Ohio, to include executing the documents attached hereto as Exhibit C.
16. The parties agree and stipulate to abide by the terms of the Stipulated Protective Order attached hereto as Exhibit D.
17. Defendant agrees to abide by the terms of R.C. 2969.02, a copy of which is attached hereto as Exhibit E, and to not seek to profit from the commission of the offenses listed in the Indictment or disclosed under the Proffer Agreement.
18. The State agrees that in consideration of the Proffer Agreement and in consideration of Defendant's agreement to plead guilty to the Indictment as amended and in consideration of the forfeiture of property as listed herein, it will not seek a superseding indictment containing appropriate R.C. 2929.04 Aggravating Circumstances on the charges of Aggravated Murder which would carry the potential of the death penalty.
19. The parties stipulate and agree that Defendant will forfeit to the State \$22,268.83 of US Currency and all right, title, and interest in the real property located at 2207 Seymour Ave., Cleveland, Ohio to the Cuyahoga County Land Reutilization Corporation, 323 West Lakeside Avenue, Ste. 160, Cleveland, Ohio 44113. Defendant further agrees to forfeit and transfer all right, title, and interest in any personal property remaining within the real property at 2207 Seymour Avenue, Cleveland, Ohio, or seized by law enforcement, to the State of Ohio, except for the following items to be returned to Defendant:
 - i) Family Photo Albums;
 - ii) Clothing.
20. The parties stipulate and agree that the U.S. currency in the amount of \$22,268.83 will be used first to pay costs associated with securing and demolishing the real property at 2207 Seymour Avenue, Cleveland, Ohio and then, next, if any funds remain, such funds will be transferred to the Cleveland Courage Fund for the benefit of the victims of the crimes committed by Defendant as stated in the Indictment.

21. Defendant stipulates and agrees, with the advice of counsel, that the negotiated plea agreement with agreed sentence can only result in the imposition of the Sentence stated within this Agreement.
22. Defendant stipulates and agrees, with the advice of counsel, to waive any future or retroactive challenge based on statute or case law that might be construed as a means by which Defendant could attack or void this negotiated and agreed sentence of LWOP.
23. Defendant stipulates and agrees, with the advice of counsel, that he withdraws and waives any potential constitutional challenge to any and all evidence obtained by police and prosecution. Defendant further stipulates and agrees that he has no need for independent DNA testing of the State's evidence, or other independent expert assistance.
24. The parties stipulate and agree that it is their mutual intent to give full effect to R.C. 2953.08 (D) (1) which states: "A sentence imposed upon a defendant is not subject to review under this section if the sentence is authorized by law, has been recommended jointly by the defendant and the prosecution in the case, and is imposed by a sentencing judge."
25. Defendant, with the advice of counsel, waives any and all potential claims on appeal or postconviction motion both in the State of Ohio and in the federal court system. Defendant stipulates and agrees that he is not aware of any claim of ineffective assistance of counsel and/or prosecutorial misconduct.
26. The parties stipulate and agree that if the Court does not accept this plea agreement with recommended sentence, then this proceeding will not affect the respective rights of the parties to try this case and the parties will each return to the Status Quo Ante. Defendant stipulates and agrees that any breach of this negotiated plea agreement on Defendant's part will void the plea agreement, that the double jeopardy clause of the United States and Ohio Constitution will not bar trial of Defendant on this indictment, and the State of Ohio will bring Defendant to trial on the indictment and fully prosecute Defendant to fullest extent possible under the law.

STIPULATED AND RECOMMENDED SENTENCE

27. The parties stipulate and agree that they have negotiated an agreed recommended sentence.
28. The parties further stipulate and agree that the following sentences will be imposed upon the following counts:

- a) On Count 1, Aggravated Murder in violation of R.C. 2903.01(A) with Sexual Motivation Specification pursuant to R.C. 2941.147(A) and with Sexually violent Predator Specification pursuant to R.C. 2941.148(A), unclassified felonies, Life Incarceration Without the Possibility of Parole ("LWOP");
- b) On Counts 3, 40, 42, 47, 49, 51, 53, 55, 57, 59, 61, 63, 65, 67, 69, 70, 73, 75, 77, 79, 81, 83, 85, 87, 89, 91, 93, 95, 97, 293, 300, 347-360, 410-428, 468-487, 518-574, 675-731, 824-880, Rape in violation of R.C. 2907.02(A)(2) with Sexually Violent Predator Specification pursuant to R.C. 2941.148(A), felonies of the 1st Degree committed prior to September 30, 2011:
- i) A minimum term of incarceration not less than 10 years with a maximum sentence of life;
 - ii) A mandatory order of Postrelease Control for a period of Five Years;
 - iii) Court Costs;
 - iv) Classification as a Sexual Predator under Megan's Law and/or Tier III Sex Offender.
- c) On Counts 575 - 594, 732 - 743, 881 - 892, Rape in violation of R.C. 2907.02(A)(2) with Sexually Violent Predator Specifications pursuant to R.C. 2941.148(A), felonies of the 1st Degree committed after September 30, 2011:
- i) 10 years incarceration;
 - ii) A mandatory order of Postrelease Control for a period of Five Years;
 - iii) Court Costs;
 - iv) Classification as a Tier III Sex Offender.
- d) On Counts 11, 14, 18, 20, 23, 25, 28, 30, 32, 34, 36, 38, 101, 108, 110, 112, 114, 116, 118, 120, 122, 124, 126, 128, 130, 132, 134, 136, 138, 140, 142, 144, 146, 148, 150, 152, 154, 156, 158, 160, 162, 164, 166, 168, 170, 172, 174, 176, 178, 180, 182, 184, 186, 188, 190, 192, 194, 196, 198, 200, 202, 204, 206, 208, 210, 212, 214, 216, 218, 220, 222, 224, 226, 228, 230, 232, 235, 237, 239, 241, 243, 245, 247, 249, 251, 253, 255, 257, 259, 261, 263, 265, 268, 271, 274, 277, 280, 283, 286, 288, 291, 314, 317, 323, 324, 325 - 346, 400 - 409, 458 - 467, Rape in violation of R.C. 2907.02(A)(2), felonies of the 1st Degree committed prior to September 30, 2011:
- i) 10 years incarceration;

- ii) A mandatory order of Postrelease Control for a period of Five Years;
 - iii) An order to pay Court Costs;
 - iv) Classification as an offender under Megan's Law and/or Tier III Sex Offender.

- e) On Count 973, Kidnapping in violation of R.C. 2905.01(B)(2), a felony of the 1st Degree committed from Dec. 25, 2006 through May 6, 2013:
 - i) 10 years incarceration;
 - ii) An order to pay Court Costs;
 - iii) A mandatory order of Postrelease Control for a period of Five Years.

- f) On Counts: 7, 8, 9, 10, 99, 100, 104, 107, 302, 303, 308, 312, Kidnapping in violation of R.C. 2905.01(A)(3) with Sexual Motivation Specifications pursuant to R.C. 2941.147(A), felonies of the 1st Degree committed prior to September 30, 2011:
 - i) 10 years incarceration;
 - ii) An order to pay Court Costs;
 - iii) A mandatory order of Postrelease Control for a period of Five Years;
 - iv) Classification as an offender under Megan's Law or as a Tier II Sex Offender.

- g) On Counts 44, 45, 46, 296, 297, 298, 320, 321, 322, Kidnapping in violation of R.C. 2905.01(A)(3) with Sexual Motivation Specifications pursuant to R.C. 2941.147(A) and Sexually Violent Predator Specifications pursuant to R.C. 2941.148(A), felonies of the 1st Degree committed prior to September 30, 2011:
 - i) A minimum term of incarceration not less than 10 years with a maximum sentence of life;
 - ii) An order to pay Court Costs;
 - iii) A mandatory order of Postrelease Control for a period of Five Years;
 - iv) Classification as an offender under Megan's Law or as a Tier III Sex Offender.

- h) On Counts 19, 24, 29, 31, 33, 35, 37, 39, 109, 111, 113, 115, 117, 119, 121, 123, 125, 127, 129, 131, 133, 135, 137, 139, 141, 143, 145, 147, 149, 151, 153, 51, 57, 159, 161, 163, 165, 167, 169, 171, 173, 175, 177, 179, 181, 183, 185, 187, 189, 191, 193, 195, 197, 199, 201, 203, 205, 207, 209, 211, 213,

- ii) A mandatory order of Postrelease Control for a period of Five Years;
 - iii) An order to pay Court Costs;
 - iv) Classification as an offender under Megan's Law and/or Tier III Sex Offender.
- e) On Count 973, Kidnapping in violation of R.C. 2905.01(B)(2), a felony of the 1st Degree committed from Dec. 25, 2006 through May 6, 2013:
 - i) 10 years incarceration;
 - ii) An order to pay Court Costs;
 - iii) A mandatory order of Postrelease Control for a period of Five Years.
- f) On Counts: 7, 8, 9, 10, 99, 100, 104, 107, 302, 303, 308, 312, Kidnapping in violation of R.C. 2905.01(A)(3) with Sexual Motivation Specifications pursuant to R.C. 2941.147(A), felonies of the 1st Degree committed prior to September 30, 2011:
 - i) 10 years incarceration;
 - ii) An order to pay Court Costs;
 - iii) A mandatory order of Postrelease Control for a period of Five Years;
 - iv) Classification as an offender under Megan's Law or as a Tier II Sex Offender.
- g) On Counts 44, 45, 46, 296, 297, 298, 320, 321, 322, Kidnapping in violation of R.C. 2905.01(A)(3) with Sexual Motivation Specifications pursuant to R.C. 2941.147(A) and Sexually Violent Predator Specifications pursuant to R.C. 2941.148(A), felonies of the 1st Degree committed prior to September 30, 2011:
 - i) A minimum term of incarceration not less than 10 years with a maximum sentence of life;
 - ii) An order to pay Court Costs;
 - iii) A mandatory order of Postrelease Control for a period of Five Years;
 - iv) Classification as an offender under Megan's Law or as a Tier III Sex Offender.
- h) On Counts 19, 24, 29, 31, 33, 35, 37, 39, 109, 111, 113, 115, 117, 119, 121, 123, 125, 127, 129, 131, 133, 135, 137, 139, 141, 143, 145, 147, 149, 151, 153, 51, 57, 159, 161, 163, 165, 167, 169, 171, 173, 175, 177, 179, 181, 183, 185, 187, 189, 191, 193, 195, 197, 199, 201, 203, 205, 207, 209, 211, 213,

215, 217, 219, 221, 223, 225, 227, 229, 231, 236, 238, 240, 242, 244, 246, 248, 250, 252, 254, 256, 258, 260, 262, 264, 287, 292, 361-384, 429-438, 488-497, Kidnapping in violation of R.C. 2905.01(A)(4) with Sexual Motivation Specifications pursuant to R.C. 2941.147(A), felonies of the 1st Degree committed prior to September 30, 2011:

- i) 10 years incarceration;
 - ii) An order to pay Court Costs;
 - iii) A mandatory order of Postrelease Control for a period of Five Years;
 - iv) Classification as an offender under Megan's Law or as a Tier III Sex Offender, or if victim is over 18 years of age, Tier II.
- i) On Counts 4, 41, 43, 48, 50, 52, 54, 56, 58, 60, 62, 64, 66, 68, 70, 72, 74, 76, 78, 80, 82, 84, 385 - 399, 493 - 457, 498 - 517, 595 - 653, 744 - 802, 893 - 951 of Kidnapping in violation of R.C. 2905.01(A)(4) with Sexual Motivation Specifications pursuant to R.C. 2941.147(A) and Sexually Violent Predator Specifications pursuant to R.C. 2941.148(A), felonies of the 1st Degree committed prior to September 30, 2011:
- i) A minimum term of incarceration not less than 10 years with a maximum sentence of life;
 - ii) An order to pay Court Costs
 - iii) A mandatory order of Postrelease Control for a period of Five Years;
 - iv) Classification as an offender as a Tier III Sex Offender.
- j) On Counts 86, 88, 90, 92, 94, 96, 98, 654 - 673, 803 - 822, 952 - 971, Kidnapping in violation of R.C. 2905.01(A)(4) with Sexual Motivation Specifications pursuant to R.C. 2941.147(A), and Sexually Violent Predator Specifications pursuant to R.C. 2941.148(A), felonies of the 1st Degree committed after September 30, 2011:
- i) A minimum term of incarceration not less than 10 years with a maximum sentence of life;
 - ii) An order to pay Court Costs
 - iii) A mandatory order of Postrelease Control for a period of Five Years;;
 - iv) Classification as an offender under or as a Tier III Sex Offender.
- k) On Counts 674, 823, 972, Felonious Assault in violation of R.C. 2903.11(A)(1), felonies of the 2nd Degree:
- i) 8 years incarceration;

- ii) An order to pay Court Costs;
 - ii) A mandatory order of Postrelease Control for a period of Three Years.
- l) On Count 6, Felonious Assault in violation of R.C. 2903.11(A)(1) with a Pregnant Victim Specification pursuant to R.C. 2941.1423 and a Sexually Violent Predator Specification pursuant to R.C. 2941.148(A), a felony of the 2nd Degree:
 - i) Mandatory minimum prison term of 8 years with a maximum of life incarceration;
 - ii) An order to pay Court Costs;
 - iii) A mandatory order of Postrelease Control for a period of Three Years;
 - iv) Classification as a sexually violent offender under Megan's Law.
- m) On Counts 234, 304, Felonious Assault in violation of R.C. 2903.11(A)(2), felonies of the 2nd Degree:
 - i) 8 years incarceration;
 - ii) An order to pay Court Costs;
 - iii) A mandatory order of Postrelease Control for a period of Three Years.
- n) On Counts 17, 105, 305, 306, 309, 310, 311, Gross Sexual Imposition in violation of R.C. 2907.05(A)(1); felonies of the 4th Degree:
 - i) 18 months incarceration;
 - ii) An order to pay Court Costs;
 - iii) A discretionary order of Postrelease Control for a period of Five Years;
 - iv) Classification as an offender under Megan's Law.
- o) On Count 974, Endangering Children in violation of R.C. 2919.22(A), a misdemeanor of the first degree:
 - i) One year in jail;
 - ii) An order to pay Court Costs.
- p) On Counts 974, 975, 976, Endangering Children in violation of R.C. 2919.22(A), felonies of the 3rd Degree:

- i) 36 months incarceration;
- ii) An order to pay Court Costs;
- iii) A discretionary order of Postrelease Control for a period of Three Years.

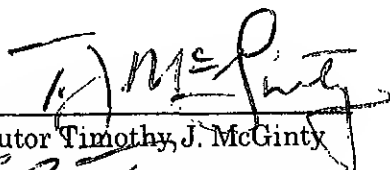
q) On the count of Possessing Criminal Tools in violation of R.C. 2923.24(A), a felony of the 5th Degree;

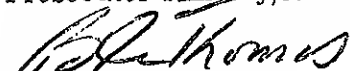
- i) 12 months incarceration;
- ii) An order to pay Court Costs;
- iii) A discretionary order of Postrelease Control for a period of Three Years;
- iii) Forfeiture of \$22,268.83 of US Currency and real property located at 2207 Seymour Ave., Cleveland, Ohio.

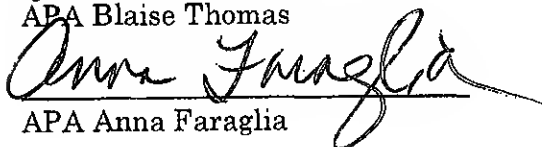
29. The parties stipulate and agree LWOP is agreed by the Defendant to mean that the Defendant will never be released from incarceration during the period of his remaining natural life for any reason and further stipulates and agrees that the ten-year to life sentences for Counts 44, 45, 46, 296, 297, 298, 320, 321, 322, 4, 41, 43, 48, 50, 52, 54, 56, 58, 60, 62, 64, 66, 68, 70, 72, 74, 76, 78, 80, 82, 84, 86, 88, 90, 92, 94, 96, 98, 300, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 3, 40, 42, 47, 49, 51, 53, 55, 57, 59, 61, 63; the ten year sentences for Counts 11, 14, 18, 20, 23, 25, 28, 30, 32, 34, 36, 38, 101, 108, 110, 112, 114, 116, 118, 120, 19, 24, 29, 31, 33, 35, 37, 39, 109, 111, 113, 115, 117, 119, 121, 251, 314, and 317 will be served consecutively to Count 1 and each other, for an aggregate sentence of incarceration to be served of LWOP consecutive to 1,000 years to life.
30. The parties stipulate and agree that the court will impose sentence on the remaining counts either concurrently or consecutively in its discretion, after sentencing hearing.
31. The Defendant stipulates and agrees, with advice of counsel, that he is to be classified as a Sexually Violent Predator and as a Tier III sex offender with lifetime reporting and registration requirements. The parties stipulate and agree that Defendant is a sexual predator under Megan's Law and is a Tier III sexual offender. The parties further stipulate and agree to waive any H.B. 180 sexual offender classification hearing.
32. The Defendant stipulates and agrees that he will be notified of mandatory and discretionary periods of postrelease control to be imposed on his sentence of 3 and 5 year terms, and that he understands that the law requires such notification and that such terms are mandatory parts of his sentence pursuant to R.C. 2967.28 and R.C. 2929.14(D).

33. The Defendant stipulates and agrees to pay all court costs and fees associated with the prosecution of all pending cases against him.
34. The parties stipulate and agree that in this case, pursuant to R.C. 2929.14(C)(4), that the consecutive sentences are necessary to protect the public from future crime and to punish the offender, and that consecutive sentences are not disproportionate to the seriousness of the offender's conduct and to the danger the offender poses to the public, and that at least two of the multiple offenses were committed as part of one or more courses of conduct, and the harm caused by two or more of the multiple offenses so committed was so great or unusual that no single prison term for any of the offenses committed as part of any of the courses of conduct adequately reflects the seriousness of the offender's conduct.
35. The Defendant agrees to the forfeiture of a Ruger handgun # 152-95598; \$22,268.83 of US Currency; and real property located at 2207 Seymour Ave., Cleveland, Ohio and that the State will use the forfeited proceeds in the amount of \$22,268.83 first to pay costs associated with securing and demolishing the real property at 2207 Seymour Avenue, Cleveland, Ohio and then, next, if any funds remain, such funds will be transferred to the Cleveland Courage Fund for the benefit of the victims of the crimes committed by Defendant as stated in the Indictment.
36. Defendant further agrees to forfeit and transfer all right, title, and interest in any personal property remaining within the real property at 2207 Seymour Avenue, Cleveland, Ohio, or seized by law enforcement, to the State of Ohio, except for the following items to be returned to Defendant:
- i) Family Photo Albums;
 - ii) Clothing.
37. The Defendant stipulates and agrees, with the advice of counsel, to waive any potential future constitutional or statutory challenge to the legality or propriety of a sentence of LWOP.
38. The parties stipulate that Count 1 and 2 will merge, with the State electing for a sentence to be imposed on Count 1.
39. Defendant further agrees and stipulates that for all other counts in the indictment, they are distinct acts with a separate animus for each; as such, the parties stipulate and agree that none of these counts will merge at sentencing pursuant to *State v. Johnson*, 128 Ohio St.3d 153, 2010-Ohio-6314, 942 N.E.2d 1061.


40. Defendant stipulates and agrees to truth and accuracy of all statements of Counsel for the State of Ohio; Defendant also stipulates and agrees to the truth and accuracy of all witnesses' statements, testimony, and exhibits offered by the State of Ohio at sentencing.
41. For purposes of this plea, the Defendant stipulates and agrees to expressly waive any hearsay objections in the presentation of facts and or evidence at sentencing, and waives any issues stemming from Defendant's State or Federal constitutional right to confrontation of witnesses pursuant to *Crawford v. Washington*, 541 U.S. 36, 124 S.Ct. 1354, 158 L.Ed.2d 177.

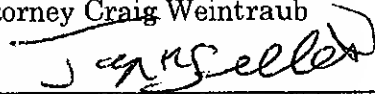

Prosecutor Timothy J. McGinty


APA Blaise Thomas


APA Anna Faraglia


Defendant Ariel Castro


Attorney Craig Weintraub


Attorney Jaye Schlachet